

Article - Public Safety

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§14-3A-05.

(a) If the Secretary or other designated official requires an individual or a group of individuals to go to and remain in places of isolation or quarantine under § 14-3A-03(b)(3) of this subtitle, the Secretary shall issue a directive to the individual or group of individuals.

(b) (1) The directive shall specify:

(i) the identity of the individual or group of individuals that are subject to isolation or quarantine;

(ii) the premises that are subject to isolation or quarantine;

(iii) the date and time when the isolation or quarantine starts;

(iv) the suspected deadly agent causing the outbreak or disease, if known;

(v) the justification for the isolation or quarantine; and

(vi) the availability of a hearing to contest the directive.

(2) Except as provided in paragraph (3) of this subsection, the directive shall be:

(i) in writing; and

(ii) given to those subject to the directive before the directive takes effect.

(3) (i) If the Secretary or other designated official determines that the notice required in paragraph (2) of this subsection is impractical because of the number of individuals or geographical areas affected, the Secretary or other designated official shall ensure that the affected individuals are fully informed of the directive using the best possible means available.

(ii) If the directive applies to a group of individuals and it is impractical to provide individual written copies under paragraph (2) of this

subsection, the written directive may be posted in a conspicuous place in the isolation or quarantine premises.

(c) (1) An individual or group of individuals isolated or quarantined under § 14-3A-03(b)(3) of this subtitle may request a hearing in a circuit court to contest the isolation or quarantine.

(2) A request for a hearing does not stay or enjoin an isolation or quarantine directive.

(3) A court that receives a request under this subsection shall hold a hearing within 3 days after receipt of the request.

(4) In any proceedings brought for relief under this subsection, the court may extend the time for a hearing:

(i) if the Secretary or other designated official shows that extraordinary circumstances exist that justify the extension; and

(ii) after considering the rights of the affected individual or group of individuals, the protection of the public health, the severity of the catastrophic health emergency, and the availability of any necessary witnesses and evidence.

(5) (i) The court shall grant the request for relief unless the court determines that the isolation or quarantine directive is necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent.

(ii) The court in making its determination may consider, if feasible, the means of transmission, the degree of contagion, and, to the extent possible, the degree of public exposure to the disease.

(6) Subject to paragraph (7) of this subsection, if the court issues an order that authorizes the isolation or quarantine, the order shall:

(i) identify the isolated or quarantined individual or group of individuals by name or shared characteristics;

(ii) specify factual findings warranting isolation or quarantine;
and

(iii) be in writing and given to the individual or group of individuals.

(7) If the court determines that the delivery required by paragraph (6)(iii) of this subsection is impractical because of the number of individuals or geographical area affected, the court shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(d) (1) An order under subsection (c) of this section may authorize isolation or quarantine for not more than 30 days.

(2) Before the order expires, the Secretary or designated official may request the court to continue the isolation or quarantine for additional 30-day periods.

(3) The court shall base its decision on the standards provided under subsection (c)(5) of this section.

(e) If an individual cannot appear personally before the court, proceedings may be conducted:

(1) by the individual's authorized representative; and

(2) in a way that allows full participation by other individuals.

(f) (1) Subject to any emergency rules that the Court of Appeals adopts under paragraph (3) of this subsection, the court may order the consolidation of individual claims into group claims in proceedings brought under this section if:

(i) the large number of individuals involved or affected makes individual participation impractical;

(ii) questions of law or fact that are common to the individual claims or rights must be determined;

(iii) the group claims or rights to be determined are typical of the affected individual's claims or rights; or

(iv) the entire group will be adequately represented in the consolidation.

(2) The Court of Appeals shall appoint counsel to represent individuals or a group of individuals who are not otherwise represented by counsel.

(3) The Court of Appeals shall adopt emergency rules of procedure to facilitate the efficient adjudication of proceedings brought under this section.

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